PRO GUN QUOTES WITH SOURCES

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Individual liberty and freedom are not outmoded concepts. “The judiciary is — and is often the only — protector of individual rights that are at the heart of our democracy.” Page 1

while the goal of preventing mass shootings is laudable, banning the acquisition and possession of magazines holding more than 10 rounds is an unconstitutional experiment that poorly fits the goal. From a public policy perspective, the choices are difficult and complicated. People may cede liberty to their government in exchange for the promise of safety. Or government may gain compliance from its people by forcibly disarming all. In the United States, the Second Amendment takes the legislative experiment off the table. Page 5

Regardless of current popularity neither a legislature nor voters may trench on constitutional rights. “An unconstitutional statute adopted by a dozen jurisdictions is no less unconstitutional by virtue of its popularity” Page 6

Few would say that a 100 or 50-round rifle magazine in the hands of a murderer 1s a good idea. Yet. the “solution” for preventing a mass shooting exacts a high toll on the everyday freedom of ordinary law-abiding citizens. Many individual robberies, rapes, and shootings are not prevented by the State. Unless a law-abiding individual has a firearm for his or her own defense, the police typically arrive after it 1s too late. With rigor mortis setting in, they mark and bag the evidence, interview bystanders, and draw a chalk outline on the ground. But the victim, nevertheless, 1s dead, or raped, or robbed, or traumatized. Page 7

All Californians, like all citizens of the United States, have a fundamental Constitutional right to keep and bear common and dangerous arms. The nation’s Founders used arms for self-protection, for the common defense, for hunting food, and as a check against tyranny. Page 13

Constitutional rights stand through time holding fast through the ebb and flow of current controversy. Needing a solution to a current law enforcement difficulty cannot be justification for ignoring the Bill of Rights as bad policy. Bad political ideas cannot be stopped by criminalizing bad political speech. Crime waves cannot be broken with warrantless searches and unreasonable
seizures. Neither can the government response to a few mad men with guns and ammunition be a
law that turns millions of responsible, law-abiding people trying to protect themselves into criminals. Page 14

Plaintiffs contend that there is no genuine dispute that the Second Amendment to the United States Constitution protects the individual right of every law-abiding citizen to acquire, possess, and keep common firearms and their common magazines holding more than 10 rounds — magazines which are typically possessed for lawful purposes. Plaintiffs also contend that the state of California has not carried its burden to demonstrate a reasonable fit between the flat ban
on such magazines and its important interests in public safety. Plaintiffs contend that the state's magazine ban thus cannot survive constitutionally-required heightened scrutiny and they are entitled to declaratory and injunctive relief as a matter of law. Plaintiffs are correct. Page 15
Neither magazines, nor rounds of ammunition. nor triggers. nor barrels are specifically mentioned in the Second Amendment. Neither are they mentioned in Heller. But without a right to keep and bear triggers, or barrels, or ammunition and the magazines that hold ammunition, the
Second Amendment right would be meaningless. Page 16

To the extent that magazines holding more than 10 rounds may be less common within California, it would likely be the result of the State long criminalizing the buying, selling, importing, and manufacturing of these magazines. Saying that large capacity magazines are uncommon because they have been banned for so long is something of a tautology. It cannot be used as constitutional support for further banning. See Friedman v. City of Highland Park, Illinois, 784 F.3d 406, 409 (7th Cir. 2015) ("Yet it would be absurd to say that the reason why a particular weapon can be banned is that there is a statute banning it. so that it isn't commonly used. A law's existence can't be the source of its own constitutional validity."). Page 20

Some say that the use of "large capacity magazines" increases the lethality of gun violence. They
point out that when large capacity magazines are used in mass shootings, more shots are fired, more people are wounded, and more wounds are fatal than in other mass shootings. A gun holding more than 10 rounds is lethal to more people than a gun holding less than 10 rounds, but
it is not constitutionally decisive. Nothing in the Second Amendment makes lethality a factor to consider because a gun's lethality. or dangerousness, is assumed. The Second Amendment does
not exist to protect the right to bear down pillows and foam baseball bats. It protects guns and every gun is dangerous. "If Heller tells us anything, it is that firearms cannot be categorically prohibited just because they are dangerous." Page 21

Artificial limits will eventually lead to disarmament. It is an insidious plan to disarm the populace and it depends on for its success a subjective standard of "necessary" lethality. It does not take the imagination of Jules Vere to predict that if all magazines over 10 rounds are somehow eliminated from California, the next mass shooting will be accomplished with guns holding only 10 rounds. To reduce gun violence, the state will close the newly christened 10-round "loophole" and use it as a justification to outlaw magazines holding more than 7

rounds. The legislature will determine that no more than 7 rounds are “necessary.” Then the next
mass shooting will be accomplished with guns holding 7 rounds. To reduce the new gun violence, the state will close the 7-round “loophole” and outlaw magazines holding more than 5 rounds determining that no more than 5 rounds is “necessary.” And so it goes, until the only lawful firearm law-abiding responsible citizens will be permitted to possess is a single-shot handgun. Or perhaps, one gun, but no ammunition. Or ammunition issued only to persons deemed trustworthy. This is not baseless speculation or scare-mongering. One need only look at
New Jersey and New York. In the 1990°s, New Jersey instituted a prohibition on what it would label “large capacity ammunition magazines.” These were defined as magazines able to hold more than 15 rounds. Slipping down the slope, last year, New Jersey lowered the capacity of permissible magazines from 15 to 10 rounds. Page 22

As a matter of public policy, people can debate who makes the decision about how much lethality a citizen can possess. As policy. the State says a law-abiding, responsible person needs
only 10 rounds. If you judge for yourself that you will need more than 10 rounds, however, the crime is yours. And, too bad if you complied with the law but needed 11 rounds to stop an attacker, or a group of attackers, or a mob. Now, you are dead. By living a law-abiding, responsible life, you have just become another “gun violence” statistic. And your statistic may be used to justify further restrictions on gun lethality for future law-abiding citizens. Page 23

The magazine ban arbitrarily selects 10 rounds as the magazine capacity over which possession
is unlawful. The magazine ban admits no exceptions, beyond those for law enforcement officers, armored truck guards, and movie stars. The ban does not distinguish between citizens living in densely populated areas and sparsely populated areas of the state. The ban does not distinguish
between citizens who have already experienced home invasion robberies, are currently threatened by neighborhood burglary activity, and those who have never been threatened. The ban does not distinguish between the senior citizen, the single parent, and the troubled and angry
high school drop-out. Most importantly, the ban does not distinguish between possession in and around one’s home, and possession in or around outdoor concerts, baseball fields, or school yards. The ban on magazines that hold more than 10 rounds amounts to a prohibition on an entire
class of “arms” that is overwhelmingly chosen by American citizens for the lawful purpose of self-defense. The prohibition extends to one’s home where the need to defend self, family, and property is most acute. And like the ban struck down in Heller, the California ban threatens citizens, not with a minor fine, but a substantial criminal penalty. Page 35

But describing as minor, the burden on responsible, law-abiding citizens who may not possess a 15-round magazine for self-defense because there are other arms permitted with 10 or fewer

rounds, 1s like saying that when government closes a Mormon church it is a minor burden because next door there 1s a Baptist church or a Hindu temple. Page 39

In a peaceful society. a 10-round limit may not be severe. When thousands of people are rioting, as happened in Los Angeles in 1992, or more recently with Antifa members in Berkeley in 2017, a 10-round limit for self-defense is a severe burden. When a group of armed burglars break into a
citizen's home at night, and the homeowner in pajamas must choose between using their left hand to grab either a telephone, a flashlight. or an extra 10-round magazine, the burden is severe.
When one is far from help in a sparsely populated part of the state, and law enforcement may not
be able to respond in a timely manner, the burden of a 10-round limit is severe. When a major earthquake causes power outages, gas and water line ruptures, collapsed bridges and buildings,
and chaos. the burden of a 10-round magazine limit is severe. When food distribution channels are disrupted and sustenance becomes scarce while criminals run rampant, the burden of a 10-round magazine limit is severe. Surely. the rights protected by the Second Amendment are not
to be trimmed away as unnecessary because today’s litigation happens during the best of times. It
may be the best of times in Sunnyvale; it may be the worst of times in Bombay Beach or Potrero.
California's ban covers the entire state at all times. Page 40

The state has important interests. Public safety. Preventing gun violence. Keeping our police safe. At this level of generality, these interests can justify any law and virtually any restriction. Imagine the crimes that could be solved without the Fourth Amendment. The state could search for evidence of a crime anywhere on a whim. Without the First Amendment, the state could better police the internet. The state could protect its citizens from child pomography, sex trafficking. and radical terrorists. The state could limit internet use by its law-abiding citizens to, say, 10 hours a day or 10 websites a day. Perhaps it could put an end to Facebook cyberbullying.
Page 59

The Attorney General articulates four important objectives to justify this new statutory bludgeon. They all swing at reducing “gun violence.” The bludgeon swings to knock large capacity magazines out of the hands of criminals. If the bludgeon does not work, then the criminals still clinging to their large capacity magazines will be thrown in jail while the magazines are destroyed as a public nuisance. The problem is the bludgeon indiscriminately hammers all that is
in its path. Here. it also hammers magazines out of the hands of long time law-abiding citizens. It
hammers the 15-round magazine as well as the 100-round drum. And it throws the law-abiding,

self-defending citizen who continues to possess a magazine able to hold more than 10 rounds into the same jail cell as the criminal. Gun violence to carry out crime is horrendous and should be condemned by all and punished harshly. Defensive gun violence may be the only way a law-abiding citizen can avoid becoming a victim. The right to keep and bear arms is not the only constitutional right that has controversial public safety implications. All of the constitutional provisions that impose restrictions on law enforcement and on the prosecution of crimes fall into the same category." Page 60

Ten years of a federal ban on large-capacity magazines did not stop mass shootings nationally. Twenty years of a California ban on large capacity magazines have not stopped mass shootings in California. Section 32310 is a failed policy experiment that has not achieved its goal. But it has daily trenched on the federal Constitutional right of self-defense for millions of its citizens. Page 62

The State argues that smaller magazines create a "critical pause" in the shooting of a mass killer.
"The prohibition of LCMs helps create a "critical pause" that has been proven to give victims an opportunity to hide, escape, or disable a shooter." Def. Oppo., at 19. This may be the case for attackers. On the other hand, from the perspective of a victim trying to defend her home and family, the time required to re-load a pistol after the tenth shot might be called a "lethal pause." as it typically takes a victim much longer to re-load (if they can do it at all) than a perpetrator planning an attack. In other words, the re-loading "pause" the State seeks in hopes of stopping a
mass shooter. also tends to create an even more dangerous time for every victim who must try to
defend herself with a small-capacity magazine. The need to re-load and the lengthy pause that comes with banning all but small-capacity magazines is especially unforgiving for victims who are disabled, or who have arthritis, or who are trying to hold a phone in their off-hand while attempting to call for police help. The good that a re-loading pause might do in the extremely rare mass shooting incident 1s vastly outweighed by the harm visited on manifold law-abiding, citizen-victims who must also pause while under attack. This blanket ban without any tailoring to these types of needs goes to show § 32310°s lack of reasonable fit. Page 74

[source]
https://web.archive.org/web/20230328182642/https://nap.nationalacademies.org/read/18319/chapter/3

Defensive use of guns by crime victims 1s a common occurrence, although the exact number remains disputed (Cook and Ludwig, 1996; Kleck, 2001a). Almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals,
with estimates of annual uses ranging from about 500,000 to more than 3 million (Kleck, 2001a), in the context of about 300,000 violent crimes involving firearms in 2008 (BJS, 2010). On the other hand, some scholars point to a radically lower estimate of only 108.000 annual defensive

uses based on the National Crime Victimization Survey (Cook et al., 1997). The variation in these numbers remains a controversy in the field. The estimate of 3 million defensive uses per vear 1s based on an extrapolation from a small number of responses taken from more than 19 national surveys. The former estimate of 108.000 is difficult to interpret because respondents were not asked specifically about defensive gun use. A different issue is whether defensive uses of guns, however numerous or rare they may be, are effective in preventing injury to the gun-wielding crime victim. Studies that directly assessed the effect of actual defensive uses of guns (i.e, incidents in which a gun was “used” by the crime victim in the sense of attacking or threatening an offender) have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies (Kleck, 1988; Kleck and DeLone, 1993; Southwick, 2000; Tark and Kleck, 2004). Page 15

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One of the primary sources of noise generated during gunfire is the muzzle blast during firing, which generates high noise across the mid to high frequency range. The only potentially effective
noise control method to reduce students’ or instructors’ noise exposure from gunfire is through the use of noise suppressors that can be attached to the end of the gun barrel. However, some states do not permit civilians to use suppressors on firearms. Page 5

[source]
https://web.archive.org/web/20230320172855/https://melbourneinstitute.unimelb.edu.au/downloads/working_paper_series/wp2008n17.pdf

This paper takes a closer look at the effects of the National Firearms Agreement on gun deaths. Using a battery of structural break tests, there is little evidence to suggest that it had any significant effects on firearm homicides and suicides. In addition, there also does not appear to be any substitution effects — that reduced access to firearms may have led those bent on committing homicide or suicide to use alternative methods.

Since the 1996 Port Arthur massacre, two other shooting incidents have attracted much media attention in Australia. An incident on 21 October 2002 at Monash University. in which a gunman killed two people and wounded five, prompted the National Handgun Buyback Act of 2003. Under this scheme that ran from July to December 2003, 70,000 handguns were removed from the community at a cost of approximately A$69 million. Another shooting on 18 June 2007. in which a lone gunman killed a man who had come to the aid of an assault victim and seriously wounded two others in Melbourne's central business district during morning rush hour, renewed calls for tougher gun controls. Although gun buybacks appear to be a logical and sensible policy that helps to placate the public’s fears, the evidence so far suggests that in the Australian context,
the high expenditure incurred to fund the 1996 gun buyback has not translated into any tangible

reductions in terms of firearm deaths.

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The Congressional Research Service (CRS) defines mass shootings as events where more than
four people are killed with a firearm “within one event, and in one or more locations in close proximity.” Congress uses the term “mass killings™ and describes these events as “three or more
killings in a single incident.” The FBI uses the term “Active Shooter.” which it defines as “an individual actively engaged in killing or attempting to kill people in a populated area.”
Non-governmental organizations, including Mother Jones, USA Today, and the Stanford Mass Shootings in America (MSA) data project, use various combinations of these definitions.

The decision to include gang- or drug-related incidents, the accidental discharge of a firearm, or family- and intimate partner- related shootings further complicates the definition of a mass shooting. Mother Jones, the FBI, CRS, the MSA, and Congress do not include these incidents in their definitions, while USA Today does. Page 1

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(a) The militia of the United States consists of all able-bodied males at least 17 years of age and,
except as provided in section 313 of title 32, under 45 years of age who are, or who have made a
declaration of intention to become, citizens of the United States and of female citizens of the United States who are members of the National Guard.

(b) The classes of the militia are—

(1) the organized militia, which consists of the National Guard and the Naval Militia; and

(2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

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https://web.archive.org/web/20230330144106/https://www.fbi.gov/file-repository/stats-services-publications-2011-national-gang-threat-assessment-2011%20national%20gang%20threat%20assessment%20%20emerging%20trends.pdf/view

Gangs are responsible for an average of 48 percent of violent crime in most jurisdictions and up

to 90 percent in several others, according to NGIC analysis.

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An estimated 287.400 prisoners had possessed a firearm during their offense. Among these, more
than half (56%) had either stolen it (6%). found it at the scene of the crime (7%), or obtained it off the street or from the underground market (43%). Most of the remainder (25%) had obtained it from a family member or friend, or as a gift. Seven percent had purchased it under their own name from a licensed firearm dealer.

[Source]
https://web.archive.org/web/20230410032604/https://crimeresearch.org/2017/04/number-murders-county-54-us-counties-2014-zero-murders-69-1-murder/

In 2014, the most recent year that a county-level breakdown is available, 54% of counties (with 11% of the population) have no murders. 69% of counties have no more than one murder, and about 20% of the population. These counties account for only 4% of all murders in the country. The worst 1% of counties have 19% of the population and 37% of the murders. The worst 2% of counties contain 28% of the population and 51% of the murders. The worst 5% of counties contain 47% of the population and account for 68% of murders. But even within those counties the murders are very heavily concentrated in small areas.

[Source]
https://web.archive.org/web/20230322161457/https://medium.com/handwaving-freakoutery/everybodys-lying-about-the-link-between-gun-ownership-and-homicide-1108ed400be5

There 1s no clear correlation whatsoever between gun ownership rate and gun homicide rate. Not
within the USA. Not regionally. Not internationally. Not among peaceful societies. Not among violent ones.

"I ask, sir, what is the militia? It is the whole people, except for few public officials." (George Mason, 3 Elliot, Debates at 425-426)

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https://web.archive.org/web/20180308012654/https://www.supremecourt.gov/opinions/07pdf/07-290.pdf

The Second Amendment is naturally divided into two parts: its prefatory clause and its operative clause. The former does not limit the latter grammatically. but rather announces a purpose. The

Amendment could be rephrased, “Because a well regulated Militia is necessary to the security of
a free State, the right of the people to keep and bear Arms shall not be infringed.” Page 3

Some have made the argument, bordering on the frivolous, that only those arms in existence in the 18th century are protected by the Second Amendment. We do not interpret constitutional rights that way. Just as the First Amendment protects modern forms of communications. e.g.. Reno v. American Civil Liberties Union, 521 U. S. 844, 849 (1997), and the Fourth Amendment applies to modern forms of search, e.g. Kyllo v. United States, 533 U. S. 27, 35-36 (2001). the Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding. Page 8

Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment. We look to this because it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a pre-existing right. The very text of the Second Amendment implicitly recognizes the pre-existence of the right and declares only that it “shall not be infringed.” As we said in United States v. Cruikshank, 92 U. S. 542, 553 (1876). “[t]his is not a right granted by the Constitution. Neither 1s it in any manner dependent upon that instrument for its existence. The Second amendment declares that it shall not be infringed. Page 19

“The liberty of the press was to be unrestrained, but he who used it was to be responsible in cases
of its abuse; like the right to keep firearms, which does not protect him who uses them for annoyance or destruction.” Page 29

In 1825, William Rawle, a prominent lawyer who had been a member of the Pennsylvania Assembly that ratified the Bill of Rights, published an influential treatise, which analyzed the Second Amendment as follows:

“The first [principle] is a declaration that a well regulated militia is necessary to the security of a free state; a proposition from which few will dissent. . . .

“The corollary. from the first position is. that the right of the people to keep and bear arms shall not be infringed.

“The prohibition is general. No clause in the constitution could by any rule of construction be conceived to give to congress a power to disarm the people. Page 34

Antislavery advocates routinely invoked the right to bear arms for self-defense. Joel Tiffany, for example, citing Blackstone's description of the right, wrote that “the right to keep and bear arms, also implies the right to use them if necessary in self defence; without this right to use the guaranty would have hardly been worth the paper it consumed.” Page 36

In Nunn v. State, 1 Ga. 243, 251 (1846), the Georgia Supreme Court construed the Second Amendment as protecting the “natural right of self-defence” and therefore struck down a ban on carrying pistols openly. Its opinion perfectly captured the way in which the operative clause of the Second Amendment furthers the purpose announced in the prefatory clause. in continuity with the English right: “The right of the whole people. old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not such merely as are used
by the militia, shall not be infringed, curtailed, or broken in upon, in the smallest degree; and all this for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State. Our opinion is, that any law, State or Federal, is repugnant to the Constitution, and void, which contravenes this right, originally belonging to our forefathers, trampled under foot by Charles I. and his two wicked sons and successors, re-established by the revolution of 1688, conveyed to this land of liberty by the colonists, and finally incorporated conspicuously in our own Magna Charta!” Pages 39 and 40

Had the Court believed that the Second Amendment protects only those serving in the militia, it would have been odd to examine the character of the weapon rather than simply note that the two
crooks were not militiamen. Page 50

We may as well consider at this point (for we will have to consider eventually) what types of weapons Miller permits. Read in isolation, Miller's phrase “part of ordinary military equipment” could mean that only those weapons useful in warfare are protected. That would be a startling reading of the opinion, since it would mean that the National Firearms Act’s restrictions on Machine guns (not challenged in Miller) might be unconstitutional, machine guns being useful in warfare in 1939. We think that Miller's “ordinary military equipment” language must be read in tandem with what comes after: “[Ordinarily when called for [militia] service [able-bodied] men were expected to appear bearing arms supplied by themselves and of the kind in common use at
the time.” Page 52

Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever
purpose. Page 54

It may be objected that if weapons that are most useful in military service—M-16 rifles and the like—may be banned, then the Second Amendment right 1s completely detached from the prefatory clause. But as we have said, the conception of the militia at the time of the Second Amendments ratification was the body of all citizens capable of military service. who would bring the sorts of lawful weapons that they possessed at home to militia duty. It may well be true today that a militia, to be as effective as militias in the 18th century, would require sophisticated

arms that are highly unusual in society at large. Indeed. it may be true that no amount of small arms could be useful against modern-day bombers and tanks. But the fact that modem developments have limited the degree of fit between the prefatory clause and the protected right cannot change our interpretation of the right. Pages 55 and 56

As the quotations earlier in this opinion demonstrate, the inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of “arms” that is overwhelmingly chosen by American society for that lawful purpose. The prohibition extends, moreover, to the home, where the need for defense of self, family, and property is most acute. Page 56

We must also address the District's requirement (as applied to respondent’s handgun) that firearms in the home be rendered and kept inoperable at all times. This makes it impossible for citizens to use them for the core lawful purpose of self-defense and 1s hence unconstitutional. The District argues that we should interpret this element of the statute to contain an exception for
self- defense. See Brief for Petitioners 56-57. But we think that is precluded by the unequivocal text, and by the presence of certain other enumerated exceptions: “Except for law enforcement Personnel… each registrant shall keep any firearm in his possession unloaded and disas sembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.” D. C. Code §7-2507.02. The non existence of a self-defense exception is also suggested by the D. C. Court of Appeals” statement that the statute forbids residents to use firearms to stop intruders, see McIntosh v. Washington, 395 A. 2d 744, 755-756 (1978).28 Page 38

We know of no other enumerated constitutional right whose core protection has been subjected to a freestanding “interest-balancing™ approach. The very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon. A constitutional guarantee subject to future judges’ assessments of its usefulness is no constitutional guarantee at all. Constitutional rights are enshrined with the scope they were understood to have when the people
adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad. Pages 62 and 63

Marbury v. Madison

“The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury.” Page 164

“The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right.” Page 164

“Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation. and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void.” Page 178

“a law repugnant to the Constitution is void” Page 181

Miller’s case
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“In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than eighteen inches in length" at this time has some reasonable relationship to the
preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the com- mon defense. Aymette v. State, 2 Humphreys (Tenn.) 154, 158.” Page 178 307 US

“No appearance for appellees.” Page 175 307 US

Bowers v. DeVito, U.S. Court of Appeals, Seventh Circuit, 686F.2d 616 [1982] "There is no constitutional right to be protected by the state (or Federal) against being murdered by criminals or madmen. It 1s monstrous if the state fails to protect its residents against such predators but it does not violate the due process clause of the Fourteenth Amendment. or, we suppose, any other
provision of the Constitution. The Constitution is a charter of negative liberties: it tells the state (gov't) to let people alone; it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order”

Warren v. District of Columbia (444 A 2d. 1. D.C. Ct. of Ap. 1981) is an oft-quoted District of Columbia Court of Appeals case that held that the police do not owe a specific duty to provide police services to citizens based on the public duty doctrine.

Castle Rock v. Gonzales, 545 U.S. 748 (2005). is a United States Supreme Court case in which the Court ruled, 7-2, that a town and its police department could not be sued under 42 U.S.C. § 1983 for failing to enforce a restraining order, which had led to the murder of a woman's three children by her estranged husband.

DeShaney v. Winnebago County, 489 U.S. 189 (1989), was a case decided by the Supreme Court
of the United States on February 22, 1989. The court held that a state government agency's failure to prevent child abuse by a custodial parent does not violate the child's right to liberty for the purposes of the Fourteenth Amendment to the United States Constitution.

"An unconstitutional act is not a law; it confers no rights: it imposes no duties: it affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed." (Norton v. Shelby County, 118 U.S. 425)

“If the State converts a right into a privilege, the citizen can ignore the license and fee and engage in the right with impunity.” (Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262)
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